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Docket No.: IBM-0002

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on, the invention entitled **SYSTEM AND METHOD TO SIMULATE HEMODYNAMICS**, the specification of which

is attached hereto       was filed on 10/9/2001 as Application Serial No. 09/973,433 and was amended on (If applicable)

I hereby state that I have reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefit under 35 U.S.C. 119(a)-(4) or 365 (b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application(s):<br>Number | Country | Foreign Filing Date<br>Month/Day/Year |
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I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s): | Filing Date (Month/Day/Year) |
|------------------------|------------------------------|
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60/739,015      October 6, 2000

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(a) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| Prior U. S. Application<br>or PCT Patent Number: | Filing Date (Month/Day/Year) | Patent Number (if applicable) |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorney(s) and/or agent(s) associated with Customer Number 34610 to prosecute this application and transact all business in the Patent and Trademark Office.

Direct all correspondence to Customer Number 34610

**BEST AVAILABLE COPY**

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Inventor's signature: *Michael*

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